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**Introduced by Senator Fuller**

February 14, 2011

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An act to amend Section 2983.4 of the Civil Code, relating to motor vehicle sales contracts.

LEGISLATIVE COUNSEL'S DIGEST

SB 287, as introduced, Fuller. Conditional sale contracts.

Existing law governs conditional sales contracts for motor vehicles, as defined. A willful violation of those provisions is a misdemeanor. In an action on a contract or purchase order subject to those provisions, existing law requires reasonable attorney's fees and costs to be awarded to the prevailing party.

This bill would limit the award of attorney's fees to a prevailing party in an action instituted by a person who has suffered injury in fact and has lost money or property as a result of a violation of those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 2983.4 of the Civil Code is amended to  
2     read:  
3     2983.4. Reasonable attorney's fees and costs shall be awarded  
4     to the prevailing party in any action *instituted by a person who*  
5     *has suffered injury in fact and has lost money or property as a*  
6     *result of a violation of the provisions of this chapter*, on a contract  
7     or purchase order subject to the provisions of this chapter,  
8     regardless of whether the action is instituted by the seller, holder,  
9     or buyer. ~~Where~~ *If* the defendant alleges in his answer that he *or*

1 *she* tendered to the plaintiff the full amount to which he *or she*  
2 was entitled, and thereupon deposits in court, for the plaintiff, the  
3 amount ~~so~~ tendered, and the allegation is found to be true, then  
4 the defendant is deemed to be a prevailing party within the meaning  
5 of this section.

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